IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

WP(C).No. 12541 of 2007(R)

PETITIONER:

FIVE STAR PLASTICS ,REPRESENTED BY ITS
PARTNER V.KRISHNANKUTTY, KAZHANI CHUNGAM,
KAVASSERY P.O., ALATHUR, PALAKKAD DISTRICT.

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON
SRI.JIBU P THOMAS
SRI.SUNIL J.CHAKKALACKAL

RESPONDENTS:
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1. THE SUB INSPECTOR OF POLICE,
ALATHUR POLICE STATION, PALAKKAD.

2. THE HEADLOAD WORKERS UNION (INTUC),
REPRESENTED BY ITS SECRETARY,
KAZHANI CHUNGAM UNIT, KAVASSERY,PALAKKAD.

3. THE HEADLOAD WORKERS UNION (CITU),
REPRESENTED BY ITS SECRETARY,
KAZHANI CHUNGAM UNIT, KAVASSERY,PALAKKAD.

4. THE HEADLOAD WORKERS UNION (AITUC),
REPRESENTED BY ITS SECRETARY,
KAZHANI CHUNGAM UNIT, KAVASSERY,PALAKKAD.

5. THE DISTRICT LABOUR OFFICER,
PALAKKAD.

6. THE CHAIRMAN,
ALATUR LOCAL COMMITTEE OF KERALA,
HEADLOAD WORKERS WELFARE BOARD,
PALAKKAD DISTRICT.

R1 & R5 BY GOVT.PLEADER SRI P.A.SALIM.

R6 BY ADV. SRI.KOSHY GEORGE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C).No.12541/2007

APPENDIX

PETITIONER'S EXTS:

EXT.P1 TRUE COPY OF THE ACKNOWLEDGEMENT ISSUED BY THE MANAGER, DISTRICT INDUSTRIRES CENTRE, PALAKKAD DATED 22/3/2007.

EXT.P2 TRUE COPY OF THE ORDER ISSUED BY THE SECRETARY OF THE KAVASSERY GRAMA PANCHAYAT DATED L7/4/2007.

EXT.P3 TRUE OCPY OF THE REPRESENTATION SUBMITTED TO THE IST RESPONDENT DATED 7/4/2007.

EXT.P4 TRUE COPY OF THE ACKNOWLEDGEMENT DATED 7/4/2007.

EXT.P5 TRUE COPY OF THE ORDER GRANTING REGISTRATION DATED 18/5/2007.

EXT.P6 TRUE COPY OF THE IDENTITY CARDS ISSUED BY THE ASSISTANT LABOUR OFFICER DATED 18/5/2007.

RESPONDENTS' EXT:

EXT.R6A TRUE PHOTOSTAT COPY OF THE NOTIFICATION G.O.(RT) NO.2710/2000/LBR DATED 26/7/2000.

P.R.RAMAN & K.HEMA, JJ.

W.P.(C).NO.12541 OF 2007

Dated this the 20th day of June, 2007

JUDGMENT

Raman,J.

Petitioner is a Partnership Firm represented by its Partner. It is also a Small Scale Industrial Unit engaged in the manufacture of waste plastic granules and registered with the District Industries Centre, Palakkad. Ext.P2 is a copy of the order of the Grama Panchayat granting permission to commence production. According to the petitioner, he has got his own permanent workers to do the loading and unloading operation in connection with his business. They have subsequently been registered as per the provisions of the Kerala Headload Workers Act and Rules and identity cards issued by the statutory authority are produced as Ext.P6 series. Though in the writ petition it was contended that the area where the petitioner-Unit is situated is not a scheme area, the learned Counsel appearing for the petitioner submits that on coming to know that the area is covered under the scheme, the workers of the petitioner-Unit got thereafter

registered under the scheme and the writ petition was amended to bring on record the additional plea raised in this regard. Now there cannot be any dispute that this is a scheme area as evidenced by Ext.R6(A) produced along with the impleading petition, I.A.NO.5932/2007. However, since the petitioner has already registered his permanent workers as per the Kerala Headload Workers Act and Rules, he is entitled to carry on the work relating to the loading and unloading of the materials with his own permanent workers without being obstructed by respondents 2, 3 and 4 or its members, as it is alleged in the writ petition that obstruction is caused at the instance of respondents 2, 3 and 4. Though notice was issued by special messenger, nobody has entered appearance on behalf of respondents 2, 3 and 4.

2. We have heard the learned counsel appearing for the additional 6th respondent- Headload Workers Welfare Board and also the learned Government Pleader.

3. In the facts and circumstances of the case, there will be a direction to the lst respondent to give adequate protection to the

petitioner so as to enable him to carry on the loading and unloading operation connected with his business at Kavassery, Alathur without being obstructed by respondents 2, 3 and 4 or their members.

Writ Petition is disposed of as above.

P.R.RAMAN,
Judge.

K.HEMA,
Judge.

kcv.